

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

MAIN HASTINGS LLC

Plaintiff,

v.

BRUNSWICK CORPORATION;
MARINEMAX INC.;
LANDMARK MEDIA ENTERPRISES LLC;
IBOATS INC.

Defendants.

Case No. 4:10-CV-610

AGREED ORDER AND FINAL JUDGMENT

Before the Court is a Joint Motion for Entry of Agreed Order and Final Judgment brought by Plaintiff and Defendant Brunswick Corporation. Having considered the matter, the motion is GRANTED. The Court hereby enters Final Judgment in this case, disposing with prejudice of all claims that have been or could have been asserted against the defendants and HOLDS and ORDERS as follows:

1. Plaintiff, Main Hastings LLC (“Main Hastings”), on behalf of itself and as the *qui tam* relator and partial assignee representing the United States of America and the general public, brings this action against defendants for alleged violations of 35 U.S.C. § 292. Main Hastings’s claim was filed in the U.S. District Court for the Eastern District of Texas as Case No. 4:10-cv-610 on November 8, 2010. Main Hastings alleges that Brunswick and the other named defendants have violated 35 U.S.C. § 292 by applying false patent markings to certain products or using false patent markings in advertising.

2. The Court HOLDS and ORDERS that any and all claims by Plaintiff Main Hastings, the United States of America, *qui tam* relators and/or the general public for any violations of 35 U.S.C. § 292, based on defendants' marking or advertising of any past or existing product with patent numbers 6,234,098, 6,302,042, 6,443,088, and 6,588,361, the words or phrases "Patent," "Patented," or "Patent Pending," or any derivations thereof, or any word or number importing, implying, indicating, or suggesting that the same is or is in the process of being patented are fully resolved by this Agreed Order and Final Judgment and are hereby dismissed with prejudice.

3. The Court hereby HOLDS and ORDERS that Brunswick and its distributors, direct or indirect customers, end-users and any person acting in concert with any of them shall, including the other defendants named in the pending lawsuit, without further liability, be entitled to sell or dispose of all products or packaging marked with patent numbers 6,234,098, 6,302,042, 6,443,088, and 6,588,361, the words or phrases "Patent," "Patented," or "Patent Pending," or any derivations thereof, or any word or number importing, implying, indicating, or suggesting that the same is or is in the process of being patented, which might be alleged to be falsely marked in violation of 35 U.S.C. § 292.

4. The Court hereby HOLDS and ORDERS that Plaintiff Main Hastings LLC has a valid statutory assignment of the rights of the United States of America to pursue and dispose of the claims resolved and dismissed in this Agreed Order and Final Judgment.

5. The Court hereby HOLDS and ORDERS that each party shall bear its own costs and attorneys' fees associated with this action.

6. Plaintiff and Brunswick have agreed that all appeals of this Agreed Order and Final Judgment are waived.

IT IS SO ORDERED.

SIGNED this 11th day of July, 2011.

A handwritten signature in black ink, reading "Michael H. Schneider". The signature is written in a cursive style with a large, stylized "M" and "S".

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE